

MINUTES  
TOWN OF FREDERICK  
BOARD OF TRUSTEES  
Frederick Town Hall  
August 10, 2010  
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Tony Carey, Trustees Jim Wollack, Rafer Burnham, Sue Wedel and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Administrative Services Director Bryan Ostler, and Town Engineer Dick Leffler. Audience was also present.

**ROLL CALL** Mayor Doering called the regular meeting to order at 7:12p.m.; roll call was taken prior to the Executive Session and all Trustees were present.

**PLEDGE OF ALLEGIANCE** Mayor Doering led the audience in the Pledge of Allegiance.

**ADDITIONS OR DELETIONS TO THE AGENDA** The Board will be considering the continuance of Suzi Cue's Order to Show Cause Hearing.

**LIQUOR LICENSING AUTHORITY**

Mayor Doering indicated the Board would be acting in the capacity of the Local Liquor Licensing Authority. Suzi-Cue's Order to Show Cause Hearing is scheduled for August 17, 2010. Alex Schatz, Attorney representing Fitzpatrick, Inc. d/b/a Suzi-Cue's, requested a continuance of the Show Cause Hearing for Suzi-Cue's. Mayor Pro Tem Carey made a motion to continue the Order to Show Cause Hearing to be October 19, 2010 at 5p.m. Trustee Wedel seconded the motion and motion carried unanimously.

Mayor Doering resumed the Regular Board meeting.

**PUBLIC COMMENTS**

**Roger London**, Past President of the American Legion, San DiPaolo Post 1985, informed the Board that the American Legion provides support in the Tri Town Community. He (Roger London) also indicated the American Legion has operated the Beer Tent for the last several years and understands that last year there was some concern about serving to an intoxicated person. London stated they (American Legion) have implemented steps to handle this type of situation and have "beefed up" the fencing surrounding the tent. London's last request to the Board was to consider approving the use of Crist Park, so the American Legion, San DiPaolo Post 1985, could request a Special Event Permit for a Beer Tent on Miners' Day, September 18, 2010.

**Arleen Martin**, also a member of the American Legion, San Dipaolo Post 1985, stated the Post uses the money earned from the "Beer Tent" to help pay for paint which they use for painting houses within the Tri Town Area. She (Arleen Martin) understands there were serving issues last year and has indicated it wouldn't happen this year and

requested the Board grant approval of their Special Event Permit.

Austin Todd and Izac Lorimer, Odyssey of the Minds participants updated the Board of their trip to Michigan for International Odyssey of the Minds. The team placed 12<sup>th</sup> out of 74 teams. Todd and Lorimer provided the Board with pictures of the skit, entertainment and them disposing of their props. The kids also exchanged pins from different parts of the world. Mayor Doering thanked the participants for their presentation and information about the event and presented them with Town of Frederick pins.

## **STAFF REPORTS**

**Administrative Report** Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Miners Day Plans are Going Strong, Commission Recruitment Efforts, Media Hits, Park /Facility Reservation Activity, Relay for Life and Upcoming Board of Trustees Work Session. The Administrative Services Department provided information regarding Online Bill Pay, Utility Billing, Recruitment Update, Quarterly Employee Training and Employee Benefits. The Engineer Department provided information regarding the Bella Rosa Parkway Bike/Pedestrian Path, Frederick High School Site, Carbon Valley Transit Feasibility Study and Wind Sculpture Lighting and Landscaping. The Planning Department provided information about the Pars, Open Space, and Trails Master Plan, and Enterprise GIS Update. The Police Department provided information about Officer Training, Emergency Communications System and Another Successful National Night Out.

Police Chief Gary Barbour provided information regarding the Relay for Life event. Chief Barbour indicated it was a success; everyone enjoyed themselves, and helped contribute to a great cause. The team raised \$3,123 +/- and won awards for the most city employees, the most men on a team and the best themed team. The event raised approximately \$34,000+/- . Town Administrator Derek Todd, stated this has been Chief Barbour third year and thanked him for his leadership in making Frederick team successful.

**Town Attorney Report** Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. Samson also provided a couple of updates; filed a motion for reconsideration of attorney fees for SMT litigation, a response will be filed to the Town of Erie appeal to the Supreme Court. Samson's office will provide an interpretation of the Frederick Municipal Code regarding the Arts Commission Program.

## **ACTION AGENDA**

**AM 2010-075, To Consider Granting Permission to American Legion San DiPaolo Post 1985 to Use a Portion of Crist Park for the Operation of a "Beer Garden" at the 2010 Miners' Day Memorial Celebration.** The American Legion San DiPaolo Post 1985 submitted a Special Events Permit application for the operation of a "Beer Garden" at the Miners' Day Celebration. The Frederick Municipal Code indicates that no person shall possess an opened container of or consume any alcohol beverage in

public, unless the premise is lawfully licensed for consumption. The American Legion is requesting permission to use a portion of Crist Park for the operations of a "Beer Garden, if the use is granted, then they (American Legion) will apply for a Special Event Permit. Motion by Trustee Wollack to deny the American Legion San DiPaolo Post 1985, use of Crist Park for a "Beer Garden" on September 18, 2010, Trustee Wedel seconded the motion and motion carried unanimously.

**AM 2010-074, Information Regarding the Appointment of a Vacancy on the Town Board** At the July 27, 2010, Board meeting, Trustee Pfirsch resigned as Trustee effective August 1, 2010. The Board directed staff to provide information about the appointment process. The vacancy by appointment would need to be filled within sixty days which is October 1, 2010. The Board of Trustees discussed the cost of holding a Special Election; the possibility of Commission members interviewing the candidates and then making a recommendation to the Board and sending out a mailer indicating there is a vacancy on the Board of Trustees. Staff will be doing notices in the local papers also. After the discussion Trustee Wollack made a motion to proceed with appointment process; application deadline will be August 27, 2010, interviews prior to the regular meeting on September 14, 2010, the motion was then seconded by Trustee Burnham, motion carried unanimously.

### **CONSENT AGENDA**

Motion by Trustee Wollack to approve the Consent Agenda with the following items; the Approval of List of Warrants for August 10, 2010, AM 2010-073, To Approve Resolution 10R027, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO, REGARDING THE THIRD AMENDMENT TO CONTRACT 88-LAO-450 WITH THE U.S. DEPARTMENT OF ENERGY WESTERN AREA POWER AUTHORITY, AM 2010-072, Acknowledgment of Real Property Transfer and Assignment of Public Improvement Obligations for Raspberry Hill Subdivision, Phases III and IV, (Resolution 10R028, A RESOLUTION ACKNOWLEDGING RETURN OF REAL PROPERTY INTEREST IN PHASES III AND IV FOR RASPBERRY HILL SUBDIVISION BY DR HORTON, AND CANCELLATION OF PARTIAL ASSIGNMENT OF PUBLIC IMPROVEMENT OBLIGATIONS TO SUCCESSOR-DEVELOPER) and Approval of the July 27, 2010, Regular Meeting Minutes, Trustee Wedel seconded the motion and motion carried unanimously.

### **MAYOR AND BOARD REPORTS**

**Mayor Pro Tem Carey** had nothing to report.

**Trustee Burnham** inquired about the Frederick Arts Commission financial report and updated the Board about the upcoming Frederick Art Show in October. Trustee Burnham also stated it was great having Community Relation Specialist as the Arts Commission staff liaison.

**Trustee Schiers** indicated she attended the Dacono Festival Days and stated that the Town of Firestone had a float in their parade and would like the Town to consider having a float in our parade. Trustee Schiers made mention of an article being in the

National League newspaper about cemeteries.

**Trustee Wedel** stated that an appointment to DRCOG needs to be completed. Motion by Trustee Wedel to appoint Town Engineer Dick Leffler as the Town's representative to DRCOG, Trustee Carey seconded the motion and motion carried unanimously.

**Trustee Wollack** thanked Chief Barbour for the wonderful job he did in making the Relay for Life a huge success. Trustee Wollack also indicated that the Miners' Day Commission will be meeting every week and stated this year the event has expanded and that it is great that Community Relations Specialist Megan Barbour is the staff liaison for this Commission. There was discussion about Trustee Wollack being the representative for DRCOG, however, due to other commitments Trustee Wollack wouldn't be able to commit November.

**Mayor Doering** would like to schedule the Board/Staff retreats for August 17, 2010, from 5:00-9:00p.m. The Board will then consider a couple of other dates to hold an additional Board/Staff retreat; the date for consideration would be August 24, 2010, during the regular meeting or possibly prior to the Regular Meeting. Mayor Doering also made comment about Dacono Festival Days being successful.

There being no further business to discuss, Mayor Doering closed the regular meeting at 8:41p.m. and resumed the executive session; the executive session ended at 9:10p.m.

There being no further discussion, Mayor Doering closed the executive session at 9:10p.m.

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Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

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Eric E. Doering, Mayor